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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/545,199	04/06/00	LOWERY	D 28341/6227.1

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EXAMINER	
PORTNER, V	
ART UNIT	PAPER NUMBER
1645	12

DATE MAILED: 08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

PTO-90C (Rev.11/00)

1- File Copy

Office Action Summary	Application No. 09/545,199	Applicant(s) Lowery et al
	Examiner Portner	Art Unit 1645

-- *The MAILING DATE of this communication appears on the cover she t with th correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Apr 6, 2000* .

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-51* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claims *1-51* are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) ☐ Interview Summary (PTO-413) Paper No(s). _____
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

DETAILED ACTION

Claims 1-51 are pending.

Please Note: Claim 49 is an improper multiple dependent claim.

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I. Claims 1-33 , drawn to a plurality of independent and distinct inventions, specifically a **recombinant gram negative bacteria** containing a mutation, classified in class 935, subclass 65.

   II. Claims 34-35, drawn to drawn to a plurality of independent and distinct inventions, specifically methods of **making a recombinant gram negative bacteria** containing a mutation, classified in class 935, subclass 12.

   III. Claims 36-44, drawn to drawn to a plurality of independent and distinct inventions, specifically a purified and **isolated polynucleotide**, vector, host cell and method of making a polypeptide , classified in class 536, subclass 23.5.

   IV. Claims 45-46, drawn to drawn to a plurality of independent and distinct inventions, specifically **polypeptides** encoded by distinct SEQ ID Nos., classified in class 530, subclass 350.

V. Claims 47-48, drawn to drawn to a plurality of independent and distinct inventions, specifically **antibodies** immunoreactive with any one of the polypeptide encoded by a specific SEQ ID NO, classified in class 530 , subclass 387.1.

VI. Claim 49, drawn to drawn to a plurality of independent and distinct inventions, specifically **methods of identifying a bacteria** using a monoclonal antibody, classified in class 435, subclass 7.2.

VII. Claims 50-51, drawn to drawn to a plurality of independent and distinct inventions, specifically methods of **identifying an agent** that will interfere with expression or activity of a gene product, classified in class 536, subclass 25.1.

2. The inventions are distinct, each from the other because of the following reasons:

3. Inventions Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make other and materially different product, wherein the claim recites multiple nucleic acid sequences that are mutated by the method recited which results in a different end product, a mutant bacterial strain.

4. Inventions Group III and Group II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in a materially different process of using that product , wherein the nucleic acid sequence can be used to detect a bacteria, used in a method of making a polyepeptide and in a method of making an attenuated bacterium for use as a vaccine.

5. Inventions Group III and Group IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, wherein the polynucleotide and polypeptides have different structural components, that have different modes of operation, different functions, or different effects, and the polypeptides can be isolated from natural sources and need not be made recombinantly based upon the nucleic acid molecule.

6. Inventions Group IV and Group V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP

§ 808.01). In the instant case the different inventions, the polypeptides of Group IV and the antibodies of Group V, evidence have different modes of operation, different functions, or different effects based upon the different molecular structures, amino acid sequences and the molecules to which they bind or will bind.

7. Inventions Group V and Group IV are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in a materially different process of using that product, specifically, the antibodies can be used in a method of purifying polypeptide, in methods of detecting an antibody, and in a method of making a molecular image polymer .

8. Inventions Group V and Group VII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the process for using the product as claimed can be practiced with another materially different product,

wherein antibodies are know to immunoreact and effect the activity of the encoded gene product but are also useful in methods of detecting a bacterial cell, in methods of purifying a polypeptide and in a method of making a molecular image polymer.

Applicant must elect a single invention for examination.

9. **Group I** contains a plurality of inventions, each mutant bacterial product is represented by an individual SEQ ID NO that has been mutated. Each SEQ ID No represents a structure that defines an independent and distinct invention based upon different structures, functions and effects.

SEQ ID NO. 1	SEQ ID NO 3	SEQ ID NO 7	SEQ ID NO 9
SEQ ID NO. 11	SEQ ID NO 13	SEQ ID NO 15	SEQ ID NO 17
SEQ ID NO. 19	SEQ ID NO. 21	SEQ ID NO 23	SEQ ID NO 25
SEQ ID NO 27	SEQ ID NO 29	SEQ ID NO. 31	SEQ ID NO 33
SEQ ID NO 37	SEQ ID NO. 39	SEQ ID NO 41	SEQ ID NO 51
SEQ ID NO 53	SEQ ID NO. 55	SEQ ID NO 57	SEQ ID NO 58
SEQ ID NO 60	SEQ ID NO. 68	SEQ ID NO.70	SEQ ID NO 72
SEQ ID NO 74	SEQ ID NO 76	SEQ ID NO. 78	SEQ ID NO 80
SEQ ID NO 82	SEQ ID NO 84	SEQ ID NO 100	SEQ ID NO 102
SEQ ID NO. 104	SEQ ID NO. 106	SEQ ID NO 108	SEQ ID NO. 110
SEQ ID NO 112	SEQ ID NO. 114	SEQ ID NO 116	SEQ ID NO. 118
SEQ ID NO 120	SEQ ID NO 122	SEQ ID NO 124	SEQ ID NO 126

SEQ ID NO 128	SEQ ID NO.130	SEQ ID NO 132	SEQ ID NO. 134
SEQ ID NO 135	SEQ ID NO 136	SEQ ID NO 138	SEQ ID NO. 140
SEQ ID NO 142	SEQ ID NO 144	SEQ ID NO 146	SEQ ID NO. 148
SEQ ID NO 150	SEQ ID NO 152	SEQ ID NO 154	SEQ ID NO.156
SEQ ID NO 158	SEQ ID NO 160	SEQ ID NO 162	SEQ ID NO.163

SEQ ID NO 164.

A single gram-negative bacteria disclosed at pages 4-5 should be elected with the SEQ ID No chosen.

Group II contains a plurality of inventions, each method makes an independent and distinct mutant bacterial product is represented by an individual SEQ ID NO that is mutated.

SEQ ID NO. 1	SEQ ID NO 3	SEQ ID NO 7	SEQ ID NO 9
SEQ ID NO. 11	SEQ ID NO 13	SEQ ID NO 15	SEQ ID NO 17
SEQ ID NO. 19	SEQ ID NO. 21	SEQ ID NO 23	SEQ ID NO 25
SEQ ID NO 27	SEQ ID NO 29	SEQ ID NO. 31	SEQ ID NO 33
SEQ ID NO 37	SEQ ID NO. 39	SEQ ID NO 41	SEQ ID NO 51
SEQ ID NO 53	SEQ ID NO. 55	SEQ ID NO 57	SEQ ID NO 58
SEQ ID NO 60	SEQ ID NO. 68	SEQ ID NO.70	SEQ ID NO 72
SEQ ID NO 74	SEQ ID NO 76	SEQ ID NO. 78	SEQ ID NO 80

SEQ ID NO 82	SEQ ID NO 84	SEQ ID NO 100	SEQ ID NO 102
SEQ ID NO. 104	SEQ ID NO. 106	SEQ ID NO 108	SEQ ID NO. 110
SEQ ID NO 112	SEQ ID NO. 114	SEQ ID NO 116	SEQ ID NO. 118
SEQ ID NO 120	SEQ ID NO 122	SEQ ID NO 124	SEQ ID NO 126
SEQ ID NO 128	SEQ ID NO.130	SEQ ID NO 132	SEQ ID NO. 134
SEQ ID NO 135	SEQ ID NO 136	SEQ ID NO 138	SEQ ID NO. 140
SEQ ID NO 142	SEQ ID NO 144	SEQ ID NO 146	SEQ ID NO. 148
SEQ ID NO 150	SEQ ID NO 152	SEQ ID NO 154	SEQ ID NO.156
SEQ ID NO 158	SEQ ID NO 160	SEQ ID NO 162	SEQ ID NO.163

SEQ ID NO 164.

A single gram-negative bacteria disclosed at pages 4-5 should be elected with the SEQ ID No chosen to be made by the elected method.

Group III contains a plurality of inventions, each polynucleotide representing an independent and distinct product represented by a SEQ ID NO.

SEQ ID NO. 1	SEQ ID NO 3	SEQ ID NO 7	SEQ ID NO 9
SEQ ID NO. 11	SEQ ID NO 25	SEQ ID NO 27	SEQ ID NO 29
SEQ ID NO. 39	SEQ ID NO 41	SEQ ID NO 51	SEQ ID NO 53
SEQ ID NO. 55	SEQ ID NO 57	SEQ ID NO 58	SEQ ID NO 60
SEQ ID NO. 68	SEQ ID NO 72	SEQ ID NO 74	SEQ ID NO 76
SEQ ID NO. 78	SEQ ID NO 80	SEQ ID NO 82	SEQ ID NO 84

SEQ ID NO. 104	SEQ ID NO 108	SEQ ID NO 112	SEQ ID NO 116
SEQ ID NO. 118	SEQ ID NO 120	SEQ ID NO 122	SEQ ID NO 124
SEQ ID NO 126	SEQ ID NO 128	SEQ ID NO.130	SEQ ID NO 132
SEQ ID NO. 134	SEQ ID NO 135	SEQ ID NO 136	SEQ ID NO 138
SEQ ID NO. 140	SEQ ID NO 142	SEQ ID NO 144	SEQ ID NO 146
SEQ ID NO. 148	SEQ ID NO 150	SEQ ID NO 152	SEQ ID NO 154
SEQ ID NO.156	SEQ ID NO 158	SEQ ID NO 160	SEQ ID NO 162
SEQ ID NO.163	SEQ ID NO 164	or	

encodes

SEQ ID NO. 2	SEQ ID NO 4	SEQ ID NO 8	SEQ ID NO 10
SEQ ID NO. 12	SEQ ID NO 14	SEQ ID NO 16	SEQ ID NO 18
SEQ ID NO.20	SEQ ID NO 22	SEQ ID NO 24	SEQ ID NO 26
SEQ ID NO.30	SEQ ID NO 32	SEQ ID NO 34	SEQ ID NO 38
SEQ ID NO.40	SEQ ID NO 42	SEQ ID NO 52	SEQ ID NO 54
SEQ ID NO 56	SEQ ID NO 59	SEQ ID NO. 61	SEQ ID NO 69
SEQ ID NO 71	SEQ ID NO 73	SEQ ID NO. 75	SEQ ID NO 77
SEQ ID NO 79	SEQ ID NO 81	SEQ ID NO. 83	SEQ ID NO 85
SEQ ID NO 101	SEQ ID NO 103	SEQ ID NO 105	SEQ ID NO 107
SEQ ID NO.109	SEQ ID NO 111	SEQ ID NO. 113	SEQ ID NO 115
SEQ ID NO 117	SEQ ID NO 119	SEQ ID NO. 121	SEQ ID NO 123

SEQ ID NO 125	SEQ ID NO 127	SEQ ID NO. 129	SEQ ID NO 131
SEQ ID NO 133	SEQ ID NO 135	SEQ ID NO.137	SEQ ID NO 139
SEQ ID NO 141	SEQ ID NO 143	SEQ ID NO.145	SEQ ID NO 147
SEQ ID NO. 149	SEQ ID NO 151	SEQ ID NO 153	SEQ ID NO 155
SEQ ID NO.157	SEQ ID NO 159	SEQ ID NO 161	SEQ ID NO 165.

Group IV contains a plurality of inventions, each polypeptide represented by an individual SEQ ID NO.

A polypeptide with the amino acid sequence of:

SEQ ID NO. 2	SEQ ID NO 4	SEQ ID NO 8	SEQ ID NO 10
SEQ ID NO. 12	SEQ ID NO 14	SEQ ID NO 16	SEQ ID NO 18
SEQ ID NO.20	SEQ ID NO 22	SEQ ID NO 24	SEQ ID NO 26
SEQ ID NO.30	SEQ ID NO 32	SEQ ID NO 34	SEQ ID NO 38
SEQ ID NO.40	SEQ ID NO 42	SEQ ID NO 52	SEQ ID NO 54
SEQ ID NO 56	SEQ ID NO 59	SEQ ID NO. 61	SEQ ID NO 69
SEQ ID NO 71	SEQ ID NO 73	SEQ ID NO. 75	SEQ ID NO 77
SEQ ID NO 79	SEQ ID NO 81	SEQ ID NO. 83	SEQ ID NO 85
SEQ ID NO 101	SEQ ID NO 103	SEQ ID NO 105	SEQ ID NO 107
SEQ ID NO.109	SEQ ID NO 111	SEQ ID NO. 113	SEQ ID NO 115

SEQ ID NO 117	SEQ ID NO 119	SEQ ID NO. 121	SEQ ID NO 123
SEQ ID NO 125	SEQ ID NO 127	SEQ ID NO. 129	SEQ ID NO 131
SEQ ID NO 133	SEQ ID NO 135	SEQ ID NO.137	SEQ ID NO 139
SEQ ID NO 141	SEQ ID NO 143	SEQ ID NO.145	SEQ ID NO 147
SEQ ID NO. 149	SEQ ID NO 151	SEQ ID NO 153	SEQ ID NO 155
SEQ ID NO.157	SEQ ID NO 159	SEQ ID NO 161	SEQ ID NO 165.

Group V contains a plurality of inventions, specifically antibodies, to include monoclonal antibodies, that bind to a bacterial product that is represented by an individual SEQ ID NO. The monoclonal antibodies specifically bind to a polypeptide represented by:

SEQ ID NO. 2	SEQ ID NO 4	SEQ ID NO 8	SEQ ID NO 10
SEQ ID NO. 12	SEQ ID NO 14	SEQ ID NO 16	SEQ ID NO 18
SEQ ID NO.20	SEQ ID NO 22	SEQ ID NO 24	SEQ ID NO 26
SEQ ID NO.30	SEQ ID NO 32	SEQ ID NO 34	SEQ ID NO 38
SEQ ID NO.40	SEQ ID NO 42	SEQ ID NO 52	SEQ ID NO 54
SEQ ID NO 56	SEQ ID NO 59	SEQ ID NO. 61	SEQ ID NO 69
SEQ ID NO 71	SEQ ID NO 73	SEQ ID NO. 75	SEQ ID NO 77
SEQ ID NO 79	SEQ ID NO 81	SEQ ID NO. 83	SEQ ID NO 85
SEQ ID NO 101	SEQ ID NO 103	SEQ ID NO 105	SEQ ID NO 107
SEQ ID NO.109	SEQ ID NO 111	SEQ ID NO. 113	SEQ ID NO 115

SEQ ID NO 117	SEQ ID NO 119	SEQ ID NO. 121	SEQ ID NO 123
SEQ ID NO 125	SEQ ID NO 127	SEQ ID NO. 129	SEQ ID NO 131
SEQ ID NO 133	SEQ ID NO 135	SEQ ID NO.137	SEQ ID NO 139
SEQ ID NO 141	SEQ ID NO 143	SEQ ID NO.145	SEQ ID NO 147
SEQ ID NO. 149	SEQ ID NO 151	SEQ ID NO 153	SEQ ID NO 155
SEQ ID NO.157	SEQ ID NO 159	SEQ ID NO 161	SEQ ID NO 165.

Group VI contains a plurality of inventions, each method using antibodies to identify a bacteria, each method being independent and distinct based upon the antibodies binding to different polypeptide represented by a SEQ ID NO.

The monoclonal antibodies specifically bind to and detect a bacteria expressing the polypeptide of:

SEQ ID NO. 2	SEQ ID NO 4	SEQ ID NO 8	SEQ ID NO 10
SEQ ID NO. 12	SEQ ID NO 14	SEQ ID NO 16	SEQ ID NO 18
SEQ ID NO.20	SEQ ID NO 22	SEQ ID NO 24	SEQ ID NO 26
SEQ ID NO.30	SEQ ID NO 32	SEQ ID NO 34	SEQ ID NO 38
SEQ ID NO.40	SEQ ID NO 42	SEQ ID NO 52	SEQ ID NO 54
SEQ ID NO 56	SEQ ID NO 59	SEQ ID NO. 61	SEQ ID NO 69
SEQ ID NO 71	SEQ ID NO 73	SEQ ID NO. 75	SEQ ID NO 77
SEQ ID NO 79	SEQ ID NO 81	SEQ ID NO. 83	SEQ ID NO 85
SEQ ID NO 101	SEQ ID NO 103	SEQ ID NO 105	SEQ ID NO 107

SEQ ID NO.109	SEQ ID NO 111	SEQ ID NO. 113	SEQ ID NO 115
SEQ ID NO 117	SEQ ID NO 119	SEQ ID NO. 121	SEQ ID NO 123
SEQ ID NO 125	SEQ ID NO 127	SEQ ID NO. 129	SEQ ID NO 131
SEQ ID NO 133	SEQ ID NO 135	SEQ ID NO.137	SEQ ID NO 139
SEQ ID NO 141	SEQ ID NO 143	SEQ ID NO.145	SEQ ID NO 147
SEQ ID NO. 149	SEQ ID NO 151	SEQ ID NO 153	SEQ ID NO 155
SEQ ID NO.157	SEQ ID NO 159	SEQ ID NO 161	SEQ ID NO 165.

Group VII is directed to a plurality of inventions that identify agents that interfere with **expression of a gene** that encodes :

SEQ ID NO. 2	SEQ ID NO 4	SEQ ID NO 8	SEQ ID NO 10
SEQ ID NO. 12	SEQ ID NO 14	SEQ ID NO 16	SEQ ID NO 18
SEQ ID NO.20	SEQ ID NO 22	SEQ ID NO 24	SEQ ID NO 26
SEQ ID NO.30	SEQ ID NO 32	SEQ ID NO 34	SEQ ID NO 38
SEQ ID NO.40	SEQ ID NO 42	SEQ ID NO 52	SEQ ID NO 54
SEQ ID NO 56	SEQ ID NO 59	SEQ ID NO. 61	SEQ ID NO 69
SEQ ID NO 71	SEQ ID NO 73	SEQ ID NO. 75	SEQ ID NO 77
SEQ ID NO 79	SEQ ID NO 81	SEQ ID NO. 83	SEQ ID NO 85
SEQ ID NO 101	SEQ ID NO 103	SEQ ID NO 105	SEQ ID NO 107
SEQ ID NO.109	SEQ ID NO 111	SEQ ID NO. 113	SEQ ID NO 115

SEQ ID NO 117	SEQ ID NO 119	SEQ ID NO. 121	SEQ ID NO 123
SEQ ID NO 125	SEQ ID NO 127	SEQ ID NO. 129	SEQ ID NO 131
SEQ ID NO 133	SEQ ID NO 135	SEQ ID NO.137	SEQ ID NO 139
SEQ ID NO 141	SEQ ID NO 143	SEQ ID NO.145	SEQ ID NO 147
SEQ ID NO. 149	SEQ ID NO 151	SEQ ID NO 153	SEQ ID NO 155
SEQ ID NO.157	SEQ ID NO 159	SEQ ID NO 161	SEQ ID NO 165

or

interferes with the activity of the gene product (**polypeptide**), represented by:

SEQ ID NO. 2	SEQ ID NO 4	SEQ ID NO 8	SEQ ID NO 10
SEQ ID NO. 12	SEQ ID NO 14	SEQ ID NO 16	SEQ ID NO 18
SEQ ID NO.20	SEQ ID NO 22	SEQ ID NO 24	SEQ ID NO 26
SEQ ID NO.30	SEQ ID NO 32	SEQ ID NO 34	SEQ ID NO 38
SEQ ID NO.40	SEQ ID NO 42	SEQ ID NO 52	SEQ ID NO 54
SEQ ID NO 56	SEQ ID NO 59	SEQ ID NO. 61	SEQ ID NO 69
SEQ ID NO 71	SEQ ID NO 73	SEQ ID NO. 75	SEQ ID NO 77
SEQ ID NO 79	SEQ ID NO 81	SEQ ID NO. 83	SEQ ID NO 85
SEQ ID NO 101	SEQ ID NO 103	SEQ ID NO 105	SEQ ID NO 107
SEQ ID NO.109	SEQ ID NO 111	SEQ ID NO. 113	SEQ ID NO 115
SEQ ID NO 117	SEQ ID NO 119	SEQ ID NO. 121	SEQ ID NO 123
SEQ ID NO 125	SEQ ID NO 127	SEQ ID NO. 129	SEQ ID NO 131

SEQ ID NO 133	SEQ ID NO 135	SEQ ID NO.137	SEQ ID NO 139
SEQ ID NO 141	SEQ ID NO 143	SEQ ID NO.145	SEQ ID NO 147
SEQ ID NO. 149	SEQ ID NO 151	SEQ ID NO 153	SEQ ID NO 155
SEQ ID NO.157	SEQ ID NO 159	SEQ ID NO 161	SEQ ID NO 165

The anti-bacterial agent that would interfere with gene expression is not the same or equivalent anti-bacterial agent that would interfere with a functional polypeptide (ie. An enzyme).

10. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

11. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

12. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Sequence Letter

13. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

14. APPLICANT IS GIVEN THE RESPONSE TIME SET FOR THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.R.F. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

15. Please see page 19, lines 27,31 and 32, as well as page 21, line 8, amino acid sequences that fall within the sequence rules are recited; 4 amino acids or more. These amino acid sequences need to assigned a SEQ ID No to place the Application in sequence compliance.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginny Portner whose telephone number is (703)308-7543. The examiner can normally be reached on Monday through Friday from 7:30 AM to 5:00 PM except for the first Friday of each two week period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith, can be reached on (703) 308-3909. The fax phone number for this group is (703) 308-4242.

The Group and/or Art Unit location of your application in the PTO will be Group Art Unit 1645. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to this Art Unit.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Vgp

August 24, 2001

MARK NAVARRO
PRIMARY EXAMINER

Application No.: 09/54[illegible]99

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☒ 7. Other: additional sequences found in specification.

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
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To Purchase PatentIn Software.....703-306-2600

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